

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 14, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 08OD-020

Oahu

Withdrawal from Governor's Executive Order No. 3177 and Reset Aside to
Department of Land and Natural Resources, Division of Aquatic Resources for
Conservation and Management Purposes, Waianae, Oahu, Tax Map Key (1) 8-5-
002:011.

CONTROLLING AGENCY:

City and County of Honolulu

APPLICANT:

Department of Land and Natural Resources, Division of Aquatic Resources

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waianae situated at Waianae, Oahu identified by Tax
Map Key: (1) 8-5-002:011, as shown on the attached map labeled Exhibit A.

AREA:

19.5 acres, more or less.

ZONING:

State Land Use District: Urban District
City & County of Honolulu LUO: P-2, General preservation

TRUST LAND STATUS:

Section 5(e) Lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO
X

CURRENT USE STATUS:

Portion of Governor's Executive Order No. 3177 setting aside 19.5 acres to City and County of Honolulu for Park and Recreation (Waianae Regional Park) purposes.

PURPOSE OF SET ASIDE:

Conservation and management purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

None. (CSF No. 19,594 exists for EO 3177, Part A)

REMARKS:

Waianae Regional Park was established by Governor's Order No. 3177 and borders both sides of Waianae Small Boat Harbor- Part A is Makai of Farrington Highway, between the Waianae Small Boat Harbor and Waianae High School (19.5 acres, more or less) and B (18.9 acres, more or less). Part A has remained undeveloped, has many sinkholes, and is a unique habitat to two species of native opae, one only known to be found at this site.

The area has many sinkholes and would have been problematic and costly to develop a park. Department of Parks and Recreation is in agreement to the withdrawal of Part A from executive order 3177. Division of Aquatic Resources is prepared to assume conservation and management responsibility for this site.

Preservation of the Waianae sinkhole complex has taken on added significance because of several recent developments which have destroyed other habitats unique for this species of opae. This portion of the Waianae Regional Park has never been developed the City, so setting aside to Division of Aquatic Resources (DAR) for conservation and management purposes is the highest and best use. DAR and the U.S. Fish and Wildlife Agency are formulating a Memorandum of Agreement by which DAR receives funding for managing this property.

Requests for comments were solicited from Department of Health, Department of Hawaiian Home Lands, Historic Preservation, Office of Conservation and Coastal Lands, Commission on Water Resources Management, Division of Boating and Ocean Recreation, Department of Education, County's Department of Planning and Permitting, Facilities Maintenance, Board of Water Supply, and Office of Hawaiian Affairs. To date, Department of Hawaiian Home Lands and Commission on Water Resource Management responded with no comment. Department of Education (DOE) has concerns about the responsibility for maintaining the drainage system which runs along the common boundary between Waianae High School and the subject property, and any liability for overflow. The drainage ditch is fully within the DAR property boundary.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 19.5 acres from the Governor's Executive Order No. 3177 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Land and Natural Resources, Division of Aquatic Resources, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order

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form, as may be amended from time to time;

- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



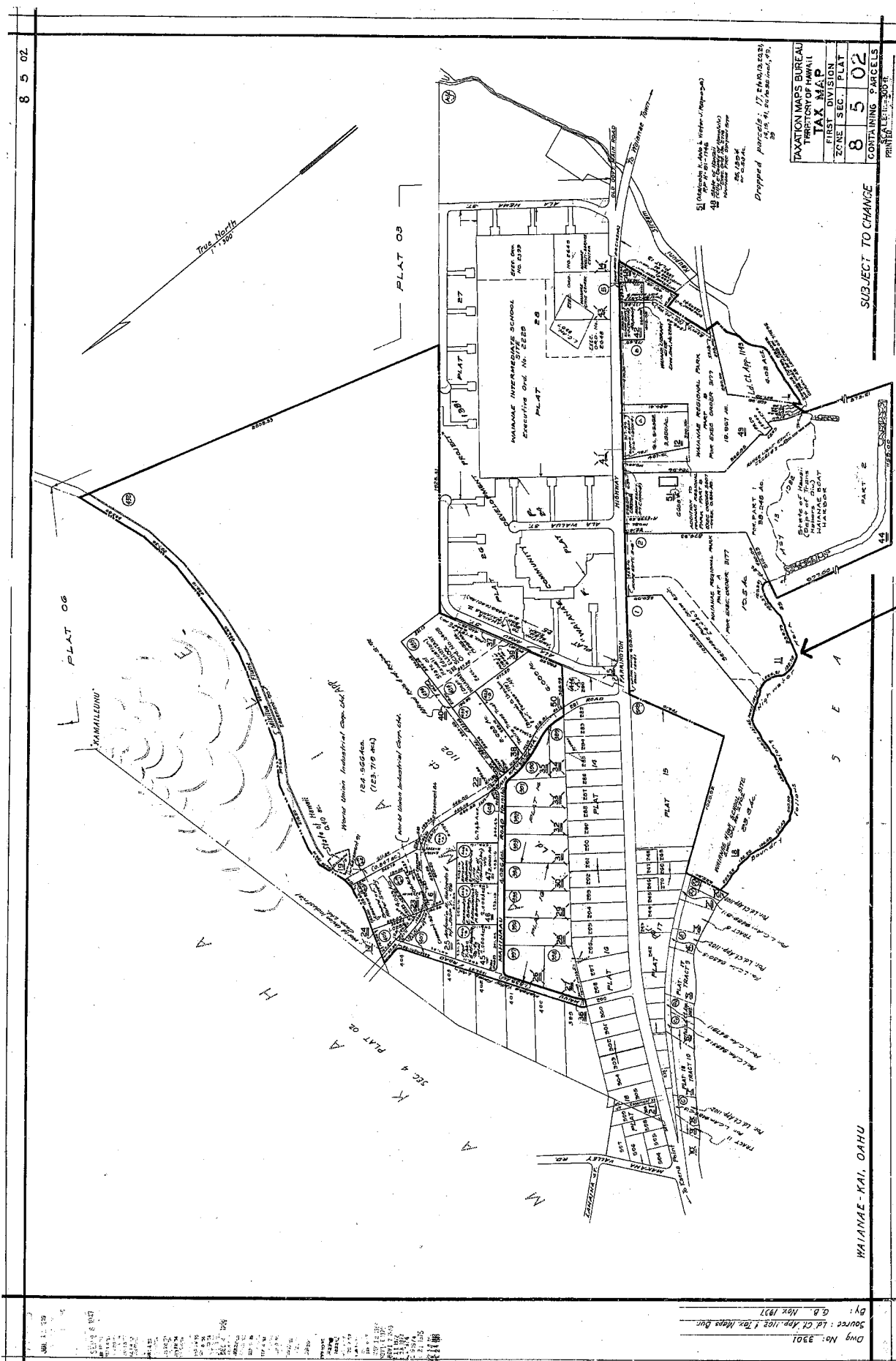
Melvyn Ho
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





Subject Property

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
ZONE	SEC.	PLAT	PLAT
8	5	02	
CONTAINING PARCELS			PRINTED 1937

SUBJECT TO CHANGE